

**From:** Rod Smith  
**To:** Microsoft ATR  
**Date:** 1/23/02 11:46am  
**Subject:** Microsoft Settlement

Hello,

I am writing to express my concern over the proposed settlement in the United States v. Microsoft case. In my opinion, the proposed settlement is an ineffectual "slap on the wrist" for a company that has repeatedly demonstrated a lack of respect for both the law and prevailing free market practices.

As I understand it, the proposed settlement places various minor restrictions on how Microsoft may do business, such as requiring that they offer the same terms to all OEMs who license their OS. In last decade's big Microsoft case, however, similar restrictions were imposed on Microsoft, and the company managed to find loopholes to carry on as it had done before. I see no reason why Microsoft would not do the same this time around, ensuring another 5-10 years of its predatory business tactics.

Indeed, I am very concerned about the growing influence of Microsoft in society as a whole. Microsoft has been releasing proprietary products, tools, and services in so many areas that, if even a tiny fraction of them gain the sort of dominance that Windows and Office have in the general computing field, Microsoft will possess an unacceptable amount of power over society at large. Microsoft has proven by its actions (both legal and illegal) that it is not above using (in fact, I would argue, ABUSING) the power it has to increase its profits and crush all competition, without regard to the needs or rights of its customers.

Finally, I believe that Microsoft's dominance of the computer industry not only stifles innovation but is a threat to the security of all information systems. The past year has seen the release of increasingly powerful viruses and worms, such as Code Red and Nimda. These worms can do significant damage only in what's known as a "monoculture" -- an environment in which a single system dominates the landscape. If Microsoft faced real competition, the security of the Internet would be greatly enhanced, because no one worm or virus could damage more than a few percent of the Internet's computers.

In sum, I believe that the proposed settlement will be ineffectual at correcting Microsoft's behaviors. Microsoft has repeatedly demonstrated a lack of respect for the law, and so the remedy should take much more radical steps to correct Microsoft's past wrongs and ensure that the company doesn't fall into its old behaviors. The states' proposed remedy is better able to meet these goals, but there are also many other proposals from which to choose.

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